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## **RCRA REGULATORY ANALYSIS**

### **SUMMARY**

Under RCRA, corrective action is required at Operable Unit 7 landfill as part of the post-closure permit requirement. The corrective action provisions require cleanup of releases (pond sediments) from the solid waste management unit (Present Landfill). Placing the pond sediments in the landfill will not trigger LDRs, does not add new waste to the landfill, and does not make the landfill a new hazardous waste unit.

### **Facts**

- 1 The Operable Unit (OU) 7 landfill received Resource Conservation and Recovery Act (RCRA) hazardous waste after 1980
- 2 Disposal of hazardous waste in the OU 7 landfill continued until 1986
- 3 The OU 7 landfill was listed in the 1987 Part B permit as "planned to be closed under interim status"
- 4 The landfill was listed in the Interagency Agreement as a RCRA closure OU
- 5 The East landfill pond was constructed to receive leachate from the landfill
- 6 The East landfill pond continues to receive leachate and run off from the landfill
- 7 All contaminants of concern in the East landfill pond came from the landfill

## RCRA Analysis Assumptions

- 1 A post-closure permit will be required for the OU 7 landfill and corrective action is required to be addressed**

*Rationale §270 1(c) Owners or operators of landfills that received wastes after July 26, 1982, or that certified closure (according to §265 115) after January 26, 1983, must have post-closure permits, unless they demonstrate closure by removal as provided under §270 1(c)(5) and (6) If a post-closure permit is required, the permit must address applicable Part 264 Groundwater Monitoring, Unsaturated Zone Monitoring, Corrective Action, and Post-closure Care Requirements of this chapter (emphasis added)*

- 2 The corrective action provisions require cleanup of releases of hazardous waste or hazardous waste constituents from a solid waste management unit to the environment**

*Rationale §3004(u) of RCRA a permit issued after November 8, 1984 by the Administrator or a State shall require, corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment storage, or disposal facility seeking a permit under this subchapter, regardless of the time at which waste was placed in such unit*

- 3 Placing the sediments from the pond in the landfill is not adding new waste to the landfill It is merely returning the released waste to its original source and capping in place to prevent future migration**

*Rationale*

- a) The hazardous constituents in the sediments came from leachate from the landfill Therefore, all the hazardous constituents are "releases" from the wastes
- b) Sediments from the pond are not wastes, but contaminated environmental media

- 4 Placing the sediments in the landfill would not make the landfill a new hazardous waste unit**

*Rationale It could be argued that the pond is part of the landfill because a) it is immediately adjacent to the landfill, and b) it was built to collect the landfill leachate and run-off (i.e. it is the landfill's run-off collection system) If the pond is part of the landfill, then movement of the sediments is merely consolidation of constituents within the same unit Such consolidation under a closure plan would be permissible because it was part of the closure action*

*Alternative Rationale a) The landfill is already a hazardous waste management unit (See facts #1 and #2) b) A hazardous waste landfill may take hazardous waste until it is closed c) The landfill is under a order of consent to close so actions taken to meet closure, including corrective action, are legally mandated as part of the final closure (this avoids the problem that this is potentially an unpermitted landfill - it is regulated under the consent order) d) Consolidating the waste back in the landfill*

(and under the cap) fulfills the requirements of corrective action to be protective of human health and the environment, and e) The corrective action is to return the released waste constituents to the original source and would be part of the final closure

**5 "Placing" the sediments back in the landfill will not be in violation of LDR**

Rationale The sediments are not waste, but environmental media contaminated with hazardous waste constituents Therefore, it would not violate LDR, because LDR applies only to "wastes" Even if it did apply, the concentration are so low, that LDR treatment standards would not be violated

## EXPLANATION

- Alluvial/Artificial Fill Well
- Weathered Bedrock Well
- Unweathered Bedrock Well
- ◊ Abandoned Well
- Ditch
- Intermittent Stream
- Dirt Road
- OU 7 IHSS Boundary
- OU 6 IHSS Boundary
- Landfill Structures



Topographic Contour Interval 20 Feet

U.S. DEPARTMENT OF ENERGY  
Rocky Flats Site Golden, Colorado

**Wells Proposed  
for Abandonment  
(Under Landfill Cover)**

Operable Unit No 7

Date December 1994

Figure 1

